

PUBLIC HEARING -- February 23, 1966

Appeal No. 8601 Carl H. Richmond, Jr. Appellant

The Zoning Administrator District of Columbia, Appellee.

On motion duly made, seconded and unanimously carried, the following Order was entered at the Meeting of the Board on March 4, 1966.

EFFECTIVE DATE OF THIS ORDER -- March 11, 1966.

ORDERED:

That the appeal for permission to establish a chancery for the Republic of Niger at 4101 Connecticut Avenue, NW., lot 28, square 2243, be denied.

From an inspection of the property by the Board and the records and evidence adduced at the public hearing, the Board finds the following:

(1) Appellant's lot is located in the R-5-C District with a frontage of 40.92 feet on Connecticut Avenue and a 40.92 frontage on Upton Street. The lot contains 4107 square feet of land.

(2) The zoning east of the alley behind Connecticut Avenue is R-2.

(3) Appellant's lot has an irregular shape.

(4) Appellant proposes to use the premises for a chancery with a staff of seven persons.

(5) Appellant's application indicates that 6 persons would comprise the staff of the chancery and that the building would provide living quarters for two of the chancery personnel. However, a letter from the Ambassador of Niger indicates that the staff consists of 7 persons and that the premises would not be used as a residence. The premises would be used only during normal working hours.

(6) Appellant proposes to use the rear yard of the premises for parking.

(7) There was objection to the granting of this appeal registered at the public hearing. BZA Exhibit No. 5 is a petition objecting to the appeal signed by 35 residents of the neighborhood. The Forest Hills Citizens Association and the owner of abutting premises 4103 Connecticut Avenue, NW., objected to the granting of this appeal.

(8) The Board accepts the appellant's claim that the premises contains a gross floor area of 2900 square feet.

OPINION:

The Board declares its jurisdiction in this case to be controlled by the provisions of Public Law 88-659, 88th Congress, October 13, 1964. That statute provides that after the date of enactment a "foreign government shall be permitted to occupy a building for use as a chancery within any district or zone restricted in accordance with this Act to use for medium - high density apartments of high density apartments if the Board of Zoning Adjustment shall determine after a public hearing that the proposed use and the building in which the use is to be conducted are compatible with the present and proposed development of the neighborhood." However, the statute goes on to say that the Board must find that "off-street parking spaces will be provided at a ratio of not less than one such space for each twelve hundred square feet of gross floor area."

The gross floor area at this proposed location is 2900 square feet. Thus, the chancery must provide $2\frac{1}{2}$ or 3 parking spaces. Due to the irregular size and shape of this lot, the Board concludes that the chancery would be unable to provide the necessary parking spaces. Further, the possible cramming of automobiles in the space available would create dangerous or other objectionable traffic conditions.

The Statute further requires the Board to find that "architectural design and the arrangement of all structures and off-street parking spaces are in keeping with the character of the neighborhood." The proposed location borders an R-2 District. The Board finds that the location of the parking lot in the rear yard would put cars in very close proximity to the kitchen door of premises 2969 Upton Street, NW. The parking would necessarily be close to the walls of adjacent premises.

For the reasons set forth, the Board concludes that the establishment of a chancery at the proposed location would not be in compliance with the Zoning Act or in harmony with existing uses on neighboring or adjacent property. The granting of this request would not be in harmony with the general purpose and intent of the Zoning Regulations and Map and would tend to affect adversely the use of neighboring property.